

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|------------------------------------|---|-------------------------|
| TAMIA BANKS, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Cause No. 4:20-cv-01227 |
| v. |) | |
| |) | |
| COTTER CORPORATION, N.S.L. et al., |) | |
| |) | |
| Defendants, |) | |
| |) | |
| COTTER CORPORATION, N.S.L., |) | |
| |) | |
| Third-Party Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| MALLINCKRODT LLC et al., |) | |
| |) | |
| Third-Party Defendants. |) | |

**COTTER CORPORATION, N.S.L. AND EVERZINC USA INC.’S JOINT MOTION
TO ESTABLISH BRIEFING SCHEDULE FOR EVERZINC’S MOTION TO DISMISS**

COME NOW Cotter Corporation, N.S.L. (“Cotter”) and EverZinc USA Inc. (“EverZinc”) and, for their Joint Motion to Establish Briefing Schedule for EverZinc’s Motion to Dismiss, respectfully state as follows:

1. This action was recently removed to this Court by Mallinckrodt LLC.
2. Prior to the filing of the removal petition, Cotter filed a Third-Party Petition against EverZinc and other third-party defendants which EverZinc timely moved to dismiss. A copy of EverZinc’s Motion to Dismiss and Memorandum in Support are attached hereto as Exhibit A.
3. To efficiently address the Motion to Dismiss filed by EverZinc in light of the likely proceedings regarding the removal petition and the fact that EverZinc’s Motion to Dismiss

will now likely be heard in federal court, Counsel for EverZinc and Counsel for Cotter have conferred with regard to the timing and proposed process for fully briefing EverZinc's Motion to Dismiss, and propose that EverZinc be provided 45 days to and including October 30, 2020 to refile or amend its motion to dismiss or otherwise respond to the Third Party Complaint, and that Cotter be provided 30 days thereafter to respond to any filing by EverZinc.

WHEREFORE: Cotter and EverZinc jointly move the Court for an Order:

- A. Postponing Cotter's presumptive response date to EverZinc's Motion to Dismiss;
- B. Providing EverZinc up to and including October 30, 2020 to renew its Motion to Dismiss, file an amended Motion to Dismiss or otherwise respond to the Third Party Complaint;
- C. Providing Cotter up to and including November 30, 2020 to file a response to EverZinc's filing to be due on October 23, 2020.

Dated: September 22, 2020

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

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Counsel for Cotter Corporation (N.S.L.)

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served by the Court's electronic filing system, this 22nd day of September, 2020 to counsel of record.

/s/ Richard E. Greenberg